

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

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STEPHEN S. EDWARDS,

Plaintiff,

v.

No. 1:21-cv-01180-KWR-LF

BRITISH SECURITY SERVICES, LLC,

Defendant.

**ORDER DISMISSING CASE**

**THIS MATTER** comes before the Court on an Order to Show Cause. *See Doc. 51.* The Court directed Plaintiff to show cause why the Court should not dismiss his case without prejudice for multiple reasons, including (1) lack of subject matter jurisdiction and alternatively (2) failure to state a claim against Defendant British Security Services, LLC. **Doc. 51.** Plaintiff was warned that the Court may dismiss his claims without further notice if he failed to respond to the order to show cause. *Id.*

In sum, the Court lacks subject matter jurisdiction over Defendant's state-law negligence claim, for the reasons stated in the Court's order to show cause. Alternatively, Plaintiff failed to state a claim.<sup>1</sup>

Plaintiff did not respond to the Court's order to show cause. Although Plaintiff sent an e-mail to my chambers (**attached hereto as "Exhibit A"**), Plaintiff was repeatedly warned that the Court would not accept filings via e-mail. **Docs. 29, 40.** Therefore, the Court will not consider

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<sup>1</sup> Alternatively, to the extent Plaintiff asserted federal claims against British Security Services, LLC, Plaintiff failed to state a claim as to those claims, and the Court would decline to exercise supplemental jurisdiction over the state law negligence claim.

Plaintiff's e-mail. Because no timely response has been filed to the Court's order to show cause, the Court will dismiss the case without prejudice.<sup>2</sup> D.N.M.LR-Civ. 7.1(b) (failure to file timely response constitutes consent to grant motion).

Alternatively, even if the Court considered the e-mail, it appears that Plaintiff did not oppose dismissal, or did not provide grounds opposing dismissal. Plaintiff suggested that the Court enter default instead, but entry of default is moot where the Court lacks subject matter jurisdiction or Plaintiff fails to state a claim against the defaulted party. Therefore, for the reasons stated in the Court's order to show cause (**Doc. 51**) and prior orders, the Court **DISMISSES** Plaintiff's claims **WITHOUT PREJUDICE**. Plaintiff's Motion for Entry of Default (**Doc. 45**) is **DENIED AS MOOT**.

**IT IS SO ORDERED.**

  
**KEA W. RIGGS**  
**UNITED STATES DISTRICT JUDGE**

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<sup>2</sup> The Court entered its order on January 12, 2023 and gave Plaintiff fourteen days to respond. Plaintiff was served the order electronically because he had previously signed up for electronic service. Therefore, Plaintiff had until January 26, 2023 to respond.